UNITED STATES PATENT AND TRADEMARK OFFICE

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10/804,170	03/19/2004	Nathan T. Czyzewski	5793.3143-00	7400

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EXAMINER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on *15 May 2008*.

2a) ☒ This action is FINAL.　　2b) ☐ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-7,9-26,28-45 and 47-57* is/are pending in the application.

　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-7,9-26,28-45 and 47-57* is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.

　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

　　a) ☐ All　b) ☐ Some * c) ☐ None of:

　　　1. ☐ Certified copies of the priority documents have been received.

　　　2. ☐ Certified copies of the priority documents have been received in Application No. _____.

　　　3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage
　　　　application from the International Bureau (PCT Rule 17.2(a)).

　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date ___.

4) ☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____

5) ☐ Notice of Informal Patent Application

6) ☐ Other: _____.

DETAILED ACTION

Introduction

1.   The following is a **FINAL** Office Action in response to the communication received on 15 May 2008. Claims 1-7, 9-26, 28-45, and 47-57 are now pending in this application.

Response to Amendments

2.   The Examiner wishes to acknowledge the Applicants amendment of the Specification.

3.   Applicants Amendments to Claims 1-60 has been acknowledged in that: **Claims 1-2, 4-7, 9-18, 20-21, 23-26, 28-37, 39-40, 42-45 and 47-56 have been amended; Claims 8, 27, 46, and 58-60 have been canceled; NO Claims have been added;** hence, as such, **Claims 1-7, 9-26, 28-45, and 47-57 are pending in this application**.

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims 1-7, 9-26, 28-45, and 47-57 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Musselwhite et al. (US PG Pub. No. 2003/0097270), [hereinafter

Musselwhite].

Referring to Claim 1: Musselwhite shows a method of managing a financial

account comprising: defining at least one condition for the financial account, wherein the

at least one condition compromises at least one condition attribute including a condition

attribute class and a condition attribute value (Musselwhite: Abstract; Page 1,

Paragraph 0007); defining first account parameters and second account parameters,

wherein the first account parameters are associated with the at least one condition

(Musselwhite: Abstract; Page 3, Paragraphs 0030-0032; Page 5, Paragraphs 0044-

0045; Claim 1); determining whether transactions associated with the financial account

satisfy the at least one condition (Musselwhite: Abstract; Page 1, Paragraph 0011; Page

3, Paragraphs 0030-0032; Page 5, Paragraphs 0044-0045; Claim 1); processing

transactions that satisfy the at least one condition based on the first account

parameters; determining if an account parameter time period expired at an end of a

previous billing cycle (Musselwhite: Figure 7; Page 7, Paragraphs 0057-0063; Claim

13); and determining whether any transactions processed based on the first account

parameters in the previous billing cycle are associated with the account parameter time

period that expired at the end of the previous billing cycle (Musselwhite: Figure 7; Page

7, Paragraphs 0057-0063; Claim 13); and processing all transactions associated with

the account parameter time period that expired at the end of the previous billing cycle

based on the second account parameters (Musselwhite: Abstract; Figure 7; Page 3,

Paragraphs 0030-0032; Page 5, Paragraphs 0044-0045; Page 7, Paragraphs 0057-0063; Claims 1, 13).

Musselwhite, however, does not expressly discuss a method wherein the at least one condition comprises at least one condition attribute including a condition attribute class and a condition attribute value.

The Examiner notes that the disclosure of Musselwhite encompasses the teaching of a "condition" whereby account holders are provided with incentives. Within a method and system as taught by Musselwhite, it would be obvious to include an additional method wherein the at least one condition comprises at least one condition attribute including a condition attribute class and a condition attribute value (Musselwhite: Page 1, Paragraph 0007; Page 5, Paragraph 0044-Page 6, Paragraph 0046).

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify the system and method of Musselwhite for providing financial accounts with incentives to include the feature mentioned above for the purpose of allowing customers greater flexibility in usage of credit lines (Musselwhite: Page 1, Paragraph 0009-Page 2, Paragraph 0012).

Referring to Claim 2: Musselwhite discusses a method, wherein the transactions each comprise at least one transaction attribute, the at least one transaction attribute comprising a transaction attribute class and a transaction attribute value (Musselwhite: Abstract; Page 3, Paragraphs 0030-0031).

Referring to Claim 3: Musselwhite teaches a method, wherein the financial account is a credit card account (Musselwhite: Abstract; Page 1, Paragraphs 0001-0011; Claim 3).

Referring to Claim 4: Musselwhite discloses a method, wherein the first account parameters include a first interest rate and the second account parameters include a second interest rate, wherein the first interest rate is lower than the second interest rate (Musselwhite: Abstract; Page 1, Paragraphs 0004-0005, 0007, 0011; Page 2, Paragraphs 0022-0023; Page 4, Paragraph 0039; Claims 4,12).

Referring to Claim 5: Musselwhite shows a method, wherein the first account parameters include a first interest rate and the second account parameters include a second interest rate, wherein the first interest rate is higher than the second interest rate (Musselwhite: Abstract; Page 1, Paragraphs 0004-0005, 0007, 0011; Page 2, Paragraphs 0022-0023; Page 4, Paragraph 0039; Claims 4,12).

Referring to Claim 6: Musselwhite teaches a method, wherein the defining first account parameters and the second account parameters further comprises: defining at least one account parameter with at least one account parameter type and at least one account parameter time period, wherein the at least one account parameter time period is associated with the account parameter type (Musselwhite: Abstract; Claims 1-3, 13).

Referring to Claim 7: Musselwhite discusses a method further comprising: determining whether any transactions processed using the first account parameters in the previous billing cycle are associated with an expiring account parameter time period that will expire during a next billing cycle (Musselwhite: Figure 7; Page 7, Paragraph

0057, 0061, 0062; Claim 2,13); and providing a financial account holder with a notification stating that the expiring account parameter time period will end during the next billing cycle based on the determining step (Musselwhite: Figure 7; Page 7, Paragraph 0057, 0061, 0062; Claim 2,13).

Referring to Claim 9: Claim 9 parallels the limitations of Claim 1. As such, Claim 9 is rejected under the same basis as is Claim 1 as mentioned supra.

Referring to Claim 10: Claim 10 reflects the limitations of Claim 9. As such, Claim 10 is rejected under the same basis as is Claim 9 as mentioned supra.

Referring to Claim 11: Claim 11 parallels the limitations of Claims 6 and 10. As such, Claim 11 is rejected under the same basis as are Claims 6 and 10 as mentioned supra.

Referring to Claim 12: Musselwhite teaches a method further comprising: generating a billing statement reflecting an amount to be paid by a financial account holder based on at least the first account parameters and the second account parameters (Musselwhite: Claims 1-4).

Referring to Claim 13: Musselwhite discloses a method, wherein the transaction attribute class is at least one of: a merchant name; a merchant type; a merchant location; a transaction date; a transaction time; and a transaction amount (Musselwhite: Abstract; Page 3, Paragraphs 0030-0031).

Referring to Claim 14: Musselwhite teaches a method, wherein defining the at least one condition for the financial account further comprises: choosing the condition attribute class of the condition attribute; choosing the condition attribute value of the

condition attribute; and setting the condition attribute class to a value that is either equal to or greater than the condition attribute value (Musselwhite: Abstract; Figures 1-4; Claims 1-4) (Musselwhite: Abstract; Claims 1-12).

Referring to Claim 15: Musselwhite shows a method, wherein determining whether transactions associated with the financial account satisfy the at least one condition further comprises: comparing each transaction attribute of each transaction with each condition attribute of the at least one condition (Musselwhite: Abstract; Figures 1-4; Claims 1-4); and determining whether any transaction attribute of the transaction satisfies each condition attribute of the at least one condition (Musselwhite: Abstract; Figures 1-4; Claims 1-4).

Referring to Claim 16: Musselwhite teaches a method, wherein the at least one account parameter type includes at least one of: an interest rate, a finance charge waiver period, a monthly payment waiver period, and a payment allocation (Musselwhite: Claim 2, 4, 12-13).

Referring to Claim 17: Musselwhite discloses a method further comprising: applying the at least one account parameter to transactions that satisfy the at least one condition associated with the at least one account parameter (Musselwhite: Abstract; Figures 1-4; Claims 1-4).

Referring to Claim 18: Musselwhite shows a method, wherein the at least one account parameter time period comprises more than one billing cycle (Musselwhite: Claims 1-12).

Referring to Claim 19: Musselwhite discusses a method further comprising: comparing the transaction attribute class with the condition attribute class; determining whether the transaction attribute class matches any condition attribute class; and comparing the transaction attribute value with the condition attribute value based on the determining step (Musselwhite: Abstract; Figures 1-4; Claims 1-4).

Referring to Claims 20-26, and 28-38: Claims 20-26, and 28-38 are the system for the method of Claims 1-7, and 9-19. As such, Claims 20-26, and 28-38 are rejected under the same basis as are Claims 1-19 as mentioned supra.

Referring to Claims 39-45, and 47-57: Claims 39-45, and 47-57 are directed towards a computer program product comprising a computer-readable medium for performing the method disclosed in Claims 1-7, and 9-19. As such, Claims 39-45, and 47-57 are rejected under the same basis as are Claims 1-7, and 9-19 as mentioned supra.

Examiner Note

6. **The Examiner has pointed out particular reference(s) contained in the prior art of** record within the body of this action for convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. **Applicant,** in preparing the response, should **fully consider the entire reference** as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Response to Arguments

7.   Applicants arguments filed 15 May 2008 have been fully considered but have been found to be **moot** and **non-persuasive** in view of the new grounds of rejection.

Conclusion

8.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication should be directed to BENJAMIN S. FIELDS at telephone number 571.272.9734. The examiner can normally be reached MONDAY THRU FRI between the hours of 9AM and 7PM. If attempts to reach the

examiner by telephone are unsuccessful, the examiner's supervisor, KAMBIZ ABDI can be reached at 571.272.6702. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Primary Examiner, Art Unit 3692

16 June 2008